United Nations A/HRC/38/9/Add.1

General Assembly

Distr.: General
18 June 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Bahamas

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.18-09880(E)
1809880

Please recycle

Response of the Government of the Commonwealth of the Bahamas to its 141 recommendations

The Bahamas welcomes the recommendations made in the course of its Universal Periodic Review of 17th January 2018. After broad consultation and careful evaluation of the recommendations, the Bahamas is pleased to provide the following responses:

Recommendations	*Response*	*Comments*
105.1	Note	*De facto* moratorium exists; The Bahamas' current position on the death penalty is that it continues to recognize its lawfulness, on a discretionary basis and subject to conditions laid down in case law, as a punishment for the crimes of murder and treason. Additionally, it is worth mentioning that the last mandated execution took place seventeen years ago, even in the absence of a formal moratorium.
105.2	Note	Same as 105.1.
105.3	Accept	In progress and on-going.
105.4	Note	
105.5	Note	Same as 105.1.
105.6	Note	Same as 105.1.
105.7	Note	
105.8	Note	
105.9	Accept/Note	The Bahamas ratified the UNCAT on May 2018. However, we note the recommendation to ratify its Optional Protocol.
105.10	Note	
105.11	Accept	Same as 105.3.
105.12	Accept/Note	Same as 105.9.
105.13	Accept	Same as 105.9.
105.14	Accept/Note	The Bahamas accepts the recommendation to ratify the UNCAT and is currently in the process of depositing the instrument of ratification. However, we note the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is currently under review.
105.15	Accept	
105.16	Accept/Note	UNCAT ratified May 2018. However, we note the recommendation to accede to the Rome Statute.
105.17	Accept	Same as 105.3.
105.18	Note	

105.19	Accept	The Bahamas ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and the use of children in pornography on 28th September 2015.
105.20	Note	Currently under review.
105.21	Note	Currently under review.
105.22	Note/Accept	The Bahamas notes the recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which is currently under review. The Bahamas ratified the UNCAT May 2018.
105.23	Note	Same as 105.21.
105.24	Note	
105.25	Note	Currently under review.
105.26	Note	Same as 105.25.
105.27	Note	Same as 105.25.
105.28	Note	
105.29	Note	
105.30	Accept	
105.31	Note	
105.32	Note	Same as 105.1.
105.33	Accept	
105.34	Accept	
105.35	Accept	
105.36	Accept	The Bahamas issued an open Standing Invitation to the Human Rights Council Special Procedures in 6th June 2013. The Special Rapporteur on Trafficking visited the Bahamas in 2013 and the Special Rapporteur on Violence Against Women visited in 2017.
105.37	Accept	Same as 105.36.
105.38	Accept	The Government of the Bahamas maintains that it has taken an open, merit-based approach when selecting national candidates for UN Treaty Body elections.
105.39	Accept	The Ombudsman Bill, 2017 was laid before Parliament on 23rd October 2017. The Bill is currently under review to ensure that it is in compliance with the Paris Principles.
105.40	Accept	Same as 105.39.
105.41	Accept	Same as 105.39.
105.42	Accept	Same as 105.39.

105.43	Accept/Note	The Bahamas accepts the recommendation to increase efforts to combat discrimination based on gender. In relation to the recommendations to combat discrimination based on sexual orientation or gender identity, the Bahamas maintains that there is no formal or legal discrimination against persons in the Bahamas based on sexual orientation or gender identity. Neither have there been any formally reported case where anyone has alleged discrimination on the basis of sexual orientation or gender identity. It should be noted that the Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance.
105.44	Note	The Bahamas maintains that there is no formal or legal discrimination against persons in the Bahamas based on sexual orientation or gender identity. Neither have there been any formally reported case where anyone has alleged discrimination on the basis of sexual orientation or gender identity. It should be noted that the Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance. Persons who are in a same-sex relationship are able to avail themselves of the regular protection and remedies available under the law in respect to violence or assault of property rights.
105.45	Note	Same as 105.44.
105.46	Note	Same as 105.44.
105.47	Note	Same as 105.44.
105.48	Note	Same as 105.44.
105.49	Accept	
105.50	Accept	
105.51	Accept	
105.52	Note	Same as 105.1.
105.53	Note	Same as 105.1.
105.54	Note	Same as 105.1.
105.55	Note	Same as 105.1.
105.56	Note	Same as 105.1.
105.57	Note	Same as 105.1.
105.58	Note	Same as 105.1.
105.59	Note	Same as 105.1.
105.60	Note	Same as 105.1.
105.61	Note	Same as 105.1.
105.62	Accept	
105.63	Accept	
105.64	Accept	

105.65	Accept	
105.66	Accept	
105.67	Accept	
105.68	Accept	
105.69	Accept	
105.70	Accept	
105.71	Accept	
105.72	Accept	
105.73	Accept	
105.74	Accept	The Freedom of Information Act (No. 1 of 2017) enacted on 21st April 2017.
105.75	Accept	
105.76	Accept	
105.77	Accept	
105.78	Accept	
105.79	Accept	
105.80	Accept	
105.81	Accept	
105.82	Accept	
105.83	Accept	
105.84	Accept	
105.85	Note	
105.86	Accept	
105.87	Accept	
105.88	Accept	
105.89	Accept	
105.90	Accept	
105.91	Accept	
105.92	Note	
105.93	Accept	
105.94	Note	
105.95	Accept	
105.96	Note	
105.97	Note	
105.98	Accept	

105.99	Accept	The Sexual Offences Act, Chapter 99, section 3 provides the following definition of rape: "Rape is the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse — (a) without the consent of that other person; (b) without consent which has been extorted by threats or fear of bodily harm; (c) with consent obtained by personating the spouse of that other person; or (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act." The Government of the Bahamas is currently in the process of consultation regarding the proposed amendment to the Sexual Offences Act to criminalize 'spousal sexual abuse', which includes all of the elements of rape but within the context of a marriage.
105.100	Note	
105.101	Accept	The Government of the Bahamas is currently in the process of consultation regarding the proposed amendment to the Sexual Offences Act to criminalize 'spousal sexual abuse', which includes all of the elements of rape but within the context of a marriage.
105.102	Accept	Same as 105.101.
105.103	Accept	
105.104	Accept	
105.105	Accept	
105.106	Accept	Same as 105.101.
105.107	Accept	The Convention on the Right of the Child was domesticated by virtue of the Child Protection Act, Chapter 132 in 2007.
105.108	Note	
105.109	Note	
105.110	Accept	
105.111	Note	
105.112	Note	
105.113	Accept	
105.114	Accept	
105.115	Accept	
105.116	Note	
105.117	Accept	
105.118	Accept	
105.119	Accept	

105.120	Accept	
105.121	Note	
105.122	Note	Same as 105.44.
105.123	Accept	
105.124	Accept	
105.125	Note	
105.126	Accept	
105.127	Accept	
105.128	Note	
105.129	Note	
105.130	Note	
105.131	Accept	
105.132	Accept	Persons, who are identified as asylum seekers and refugees, after being screened by the Department of Immigration, are provided with alternatives to detention. In addition, it is worth noting that the Bahamas is the first country in the region to provide ICAO readable refugee travel documents, in an effort to encourage free movement.
105.133	Accept	Currently under review.
105.134	Accept	
105.135	Accept	
105.136	Note	
105.137	Note	
105.138	Accept	
105.139	Note	
105.140	Note	
105.141	Note	